

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
CIVIL ACTION NO: 4:24-cv-00051-M-RN**

CYNTHIA B. AVENS,

Plaintiff,

v.

FARIS C. DIXON, JR., DISTRICT ATTORNEY, Pitt County Memorial Hospital, Inc., DR. KAREN KELLY, MEDICAL EXAMINER, JOHN/JANE DOE, and JOHN/JANE DOE,

Defendants.

**DEFENDANT DR. KAREN KELLY'S  
MOTION FOR EXTENSION OF  
TIME TO RESPOND TO  
PLAINTIFF'S AMENDED  
COMPLAINT**

Under Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6.1(a) of the Local Rules of Civil Procedure, Defendant Dr. Karen Kelly ("Dr. Kelly") moves that the Court issue an order extending her time to respond to Plaintiff's Complaint through July 16, 2024. In support of this Motion, Defendant shows the following:

1. Plaintiff filed her Complaint (D.E. 1) on March 22, 2024.
2. Dr. Kelly filed a Motion to Dismiss the Complaint on May 29, 2024. (D.E. 26) Defendants ECU Health (a/k/a Pitt County Memorial Hospital) and Faris C. Dixon, Jr. also filed motions to dismiss. (D.E. 22 and 24)
3. Plaintiff then filed an eighty-four-page Amended Complaint on June 18, 2024, to which she attached thirteen exhibits that were not included with the original Complaint. (D.E. 33, 33-1 through 33-13).

4. The undersigned was traveling abroad between June 12 and June 24, 2024, and was unable to substantively address this matter.

5. On June 26, 2024, the Court entered an Order denying Defendants' Motions to Dismiss without prejudice given the filing of the Amended Complaint and directed Defendants to respond to the Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a). (D.E. 37)

6. The period in which to file and serve a response to the Amended Complaint under Rule 15(a) has not yet expired, and Dr. Kelly's deadline to respond to the Amended Complaint has not previously been extended.

7. The Amended Complaint contains new and altered allegations against Dr. Kelly.

8. Given that the undersigned counsel was unable to address this matter until his return from abroad, and due to the nature of the Amended Complaint, Dr. Kelly needs additional time to respond to the Amended Complaint.

9. Pursuant to L. R. Civ. P. 6.1(a), the undersigned counsel consulted with Plaintiff about this Motion, and Plaintiff and other Defendants consent to the requested extension of time.

10. Plaintiff will not be prejudiced by the requested extension of time and good cause otherwise exists to grant this motion.

WHEREFORE, Dr. Kelly requests that the Court issue an order extending Dr. Kelly's time to respond to the Amended Complaint through July 16, 2024.

This 28th day of June, 2024.

JOSHUA H. STEIN  
Attorney General

/s/ Jeremy D. Lindsley  
Jeremy D. Lindsley  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **DEFENDANT'S**  
**MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S**  
**AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system and  
was served upon counsel of record and upon plaintiff by electronic mail as follows:

Cynthia B. Avens  
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*Plaintiff (Pro Se)*

Chris D. Agosto Carriero  
Special Deputy Attorney General  
North Carolina Department of Justice  
*Attorney for Faris C. Dixon, Jr.*

Daniel D. McClurg  
Terrence McKelvey  
K&L Gates LLP  
*Attorneys for ECU Health*

This 28th day of June, 2024.

/s/ Jeremy D. Lindsley  
Jeremy D. Lindsley  
Assistant Attorney General